

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 24-53705-JRS
	:	
VINSON JERMAINE FRALEY, SR.,	:	CHAPTER 7
	:	
Debtor.	:	
_____	:	
	:	
S. GREGORY HAYS, Chapter 7 Trustee,	:	
	:	
Objector/Movant,	:	
	:	
vs.	:	CONTESTED MATTER
	:	
VINSON JERMAINE FRALEY, SR.,	:	
	:	
Respondent.	:	
	:	

OBJECTION TO CLAIMED EXEMPTIONS

COMES NOW S. Gregory Hays, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate (the “**Estate**” or “**Bankruptcy Estate**”) of Vinson Jermaine Fraley, Sr. (“**Debtor**”), and files this *Objection to Claimed Exemptions* (“**Objection**”), and respectfully shows:

Jurisdiction and Venue

1. This Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409.

Background

a. General Background

2. Debtor initiated the underlying bankruptcy case (the “**Case**” or “**Bankruptcy Case**”) by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code (the “**Bankruptcy Code**”) on April 11, 2024 (the “**Petition Date**”). On June 27, 2024, the Court entered an Order [Doc. No. 55] denying confirmation and converting the Case to Chapter 7.

3. Shortly thereafter, Trustee was appointed as the Chapter 7 trustee in this Case, and he remains in that role.

4. Upon Debtor’s filing his voluntary bankruptcy petition, the Bankruptcy Estate was formed, and it includes all Debtor’s legal or equitable interests in property as of the commencement of the Bankruptcy Case. *See* 11 U.S.C. §§ 348 and 541(a)(1).

b. The Properties

5. On April 24, 2024, Debtor filed his schedules of assets and liabilities [Doc. No. 22] (the “**Schedules**”) together with his Statement of Financial Affairs [Doc. No. 22] (the “**SOFA**”).

6. On his Schedule A/B, Debtor indicated that Debtor owns or co-owns property located at 1240 Rolling Lane Statesville (Iredell County) NC 28677 (the “**Rolling Lane Property**”) and at 3641 Travelers Court, Snellville, GA 30039 (the “**Travelers Court Property**”). Based upon Trustee’s research, Debtor also owns property at 0 Monroe Street (Iredell County), Statesville, NC 28677 (the “**Monroe Street Property**” and, together with the Rolling Lane Property and the Travelers Court Property, the “**Properties**”).

7. On his Schedule A/B, Debtor listed the Rolling Lane Property with a value of \$140,000.00 and listed the Travelers Court Property with a value of \$415,000.00. On his Schedule D, Debtor indicated that Flagstar Bank has a secured claim against the Travelers Court Property

in the amount of \$279,000.00 and that PHH Mortgage has a secured claim against the Rolling Lane Property in the amount of \$39,600.00. U.S. Bank Trust Co. c/o PHH Mortgage has filed Proof of Claim No. 12-1 in the amount of \$28,022.70. Flagstar Bank has filed Proof of Claim No. 11-1 I the amount of \$258,586.43.

Exemptions Claimed

8. On his Schedule *C: The Property You Claim Exempt* (“**Schedule C**”), Debtor scheduled an exemption in the Travelers Court Property in the amount of the full scheduled value of \$415,000.00 (the “**Property Exemption**”). [Doc. No. 22 at page 33 of 57].

Trustee’s Objections to Claimed Exemptions

9. Under O.C.G.A. § 44-13-100(b), the State of Georgia has opted out of the federal exemption scheme and follows its own state-provided exemptions as set forth in O.C.G.A. § 44-13-100(a). O.C.G.A. § 44-13-100(b).

10. Under Rule 4003(b) of the Federal Rules of Bankruptcy Procedure, a Trustee and other parties have thirty (30) days from the conclusion of the Meeting of Creditors or within thirty (30) days after any amendment to the list or supplemental schedules is filed, whichever is later, to file any objection to exemptions (the “**Objection Period**”). Fed. R. Bankr. P. 4003.

11. This Objection is timely filed within the Objection Period, as the Meeting of Creditors was held and concluded on July 18, 2024.

12. Under O.C.G.A. § 44-13-100(a)(1), a debtor may exempt his aggregate interest, not to exceed \$21,500.00 in value, in real property that the “debtor or a dependent of the debtor uses as a residence” (the “**Homestead Exemption**”). O.C.G.A. § 44-13-100(a)(1).

13. Debtor cannot claim an exemption in excess of \$21,500.00 as his Homestead Exemption in the Travelers Court Property.

14. For the foregoing reasons, Trustee objects to the Property Exemption, and Trustee requests that it be disallowed to the extent that it exceeds the statutory limit of \$21,500.00 in the Travelers Court Property.

15. Trustee objects to all other exemptions claimed to the extent that they exceed the allowable exemptions under O.C.G.A. §44-13-100(a). Moreover, this Objection shall be a continuing objection in anticipation of any amendments that may or may not resolve this original Objection, without the need for filing new objections.

WHEREFORE, having filed this Objection, the Trustee prays that the Court sustain the Objection and that the Court grant Trustee such other and further relief as the Court deems just and proper.

Respectfully submitted this 16th day of August, 2024.

ROUNTREE LEITMAN KLEIN & GEER, LLC
Proposed Attorneys for Trustee

By: /s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709
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vs.	:	CONTESTED MATTER
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VINSON JERMAINE FRALEY, SR.,	:	
	:	
Respondent.	:	
	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that S. Gregory Hays, the Chapter 7 Trustee (the “**Trustee**”), has filed an *Objection to Claimed Exemptions* (the “**Objection**”) seeking an order disallowing the Debtor’s claimed exemption in his property located at 3641 Travelers Court, Snellville, GA 30039.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Objection at **10:30 a.m. on September 17, 2024 in Courtroom 1404**, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303, which may be attended in person or via the Court’s Virtual Hearing Room. You may join the Virtual Hearing Room through the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, www.ganb.uscourts.gov, or the link on the judge’s webpage, which can also be found on the Court’s website. Please also review the “Hearing Information” tab on the judge’s webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge’s webpage.

Your rights may be affected by the Court’s ruling on this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.). If you do not want the Court to grant the relief sought in this pleading or if you want the Court to consider your views, then you and/or

your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two (2) business days before the hearing. The address of the Clerk's Office is: Suite 1340 Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the counsel for the Trustee, Michael J. Bargar, Rountree Leitman Klein & Geer LLC, Century Plaza I, 2987 Clairmont Road, Suite 350, Atlanta, GA 30329.

Dated: August 16, 2024.

ROUNTREE LEITMAN KLEIN & GEER, LLC
Proposed Attorneys for Trustee

By: /s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709
mbargar@rlkglaw.com

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2987 Clairmont Road, Suite 350
Atlanta, Georgia 30329
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CERTIFICATE OF SERVICE

This is to certify that I have this day served the *Objection to Debtor's Claimed Exemptions* and *Notice of Hearing* by first class, United States mail, with postage prepaid fully thereon, to the following parties:

Office of the United States Trustee
362 Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

Vinson Jermaine Fraley, Sr.
3641 Travelers Court
Snellville, GA 30039

This 16th day of August, 2024.

By: /s/ William D. Matthews
William D. Matthews
Ga. Bar No. 470865